

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED STATES POSTAL SERVICE

and

Case 07-CA-099915

BRANCH 654, NATIONAL ASSOCIATION
OF LETTER CARRIERS (NALC), AFL-CIO

DECISION AND ORDER

Statement of the Case

On August 6, 2014, the United States Postal Service (the Respondent), Branch 654, National Association of Letter Carriers (NALC), AFL-CIO (the Charging Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

¹ Chairman Pearce and Member Schiffer note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003); and *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Member Johnson would not approve the part of the order requiring Respondent to cease and desist from failing to bargain with "any other labor organization," because that asserted violation was not alleged as part of this case.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including facilities located at 155 South Main Street, Mt. Clemens, Michigan (Mt. Clemens Post Office) and 15285 Samohin Drive, Macomb Township, Michigan (Mt. Clemens Annex), collectively called the Respondent's Mt. Clemens facilities.

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (39 U.S.C. § 101 et seq.).

2. The labor organization involved

The National Association of Letter Carriers, AFL-CIO (NALC or the National Union), and the Charging Union are labor organizations within the meaning of Section 2(5) of the Act.

3. The appropriate unit

The following employees of the Respondent (the unit) constitute a unit appropriate for the purposes of collective-bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time city letter carriers employed by Respondent at various facilities throughout the United States, but excluding professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, postal inspection service employees, employees in the supplemental work force, rural letter carriers, mail handlers, maintenance employees, special delivery messengers, motor vehicle employees, postal clerks, managerial employees, supervisory personnel, and security guards as defined in Public Law 9-375, 1201(2).

Since at least 1990, and at all material times, the Respondent has recognized the National Union as the exclusive collective-bargaining representative of the unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective by its terms from January 10, 2013, through May 20, 2016.

At all material times, the National Union has been the exclusive collective-bargaining representative of the unit within the meaning of Section 9(a) of the Act.

At all material times, the Charging Union has been the designated servicing representative of the National Union for employees in the unit employed at the Respondent's Algonac, Marine City, Mt. Clemens, and New Baltimore, Michigan facilities.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Algonac, Marine City, Mt. Clemens, and New Baltimore, Michigan, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Unreasonably delaying in furnishing the Charging Union with relevant requested information, or in any like or related manner interfering with, restraining, or coercing its employees in the exercise of rights guaranteed in Section 7 of the Act.

(b) Unreasonably delaying in furnishing the Charging Union with relevant requested information, or in any like or related manner refusing to bargain collectively and in good faith with the Charging Union as the servicing agent of the exclusive collective-bargaining representative of the unit or any other labor organization at its Algonac, Marine City, Mt. Clemens, and New Baltimore, Michigan facilities.

2. Take the following affirmative action.

(a) Upon request, bargain collectively and in good faith with the Charging Union as the servicing representative of the exclusive collective-bargaining representative for employees in the unit employed at the Respondent's Algonac, Marine City, Mt. Clemens, and New Baltimore, Michigan facilities.

(b) Within 14 days of service by the Region, post copies of the attached notice marked as Appendix A at the following facilities:

Algonac	801 Saint Clair River Drive, Algonac
Marine City	460 South Water Street, Marine City
Mount Clemens Main	155 South Main Street, Mt. Clemens
Mount Clemens Annex	15285 Samohin Drive, Macomb Township
New Baltimore	35339 23 Mile Road, New Baltimore

Copies of the notice, on forms provided by Region 7, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(c) Within 21 days after service of this order by the Region, file with the Regional Director for Region 7 a sworn certification by a responsible Respondent official attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., October 17, 2014

Mark Gaston Pearce, Chairman

Harry I. Johnson, III, Member

Nancy Schiffer, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose a representative to bargain with us on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT refuse to bargain collectively and in good faith with Branch 654, National Association of Letter Carriers (NALC), AFL-CIO (the Union) as the servicing representative of the exclusive collective-bargaining representative of our employees in the following appropriate unit at our Algonac, Marine City, Mt. Clemens, and New Baltimore, Michigan facilities:

All full-time and regular part-time city letter carriers employed by Respondent at various facilities throughout the United States, but excluding professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, postal inspection service employees, employees in the supplemental work force, rural letter carriers, mail handlers, maintenance employees, special delivery messengers, motor vehicle employees, postal clerks, managerial employees, supervisory personnel, and security guards as defined in Public Law 9-375, 1201(2).

WE WILL NOT unreasonably delay in providing necessary and relevant information requested by the Union to perform its responsibilities as the servicing representative of the exclusive collective-bargaining representative of our employees in the unit or any other labor organization at our Algonac, Marine City, Mt. Clemens, and New Baltimore, Michigan facilities.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL NOT in any like or related manner fail and refuse to bargain collectively and in good faith with the Union as the servicing representative of the exclusive collective-bargaining representative of our employees in the unit at our Algonac, Marine City, Mt. Clemens, and New Baltimore, Michigan facilities.

WE WILL, upon request, bargain collectively and in good faith with the Union as the servicing representative of the exclusive collective-bargaining representative of our employees in the unit at our Algonac, Marine City, Mt. Clemens, and New Baltimore, Michigan facilities.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/07-CA-099915 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

